

### **REMARKS**

Applicant thanks the Examiner for acknowledging and accepting the Request for Continued Examination. In response to the Office Action, dated September 3, 2004, Applicant has amended the dependent claims 17-24 to remove the reference to the set-top box. Consequently, Applicant requests that this objection be withdrawn.

Applicant respectfully requests reconsideration of the 35 U.S.C. § 103 rejections set forth by the Examiner. Applicant has amended the claims to more clearly define the invention. Applicant submits that the references of record, whether considered alone or in combination, fail to either teach or suggest Applicant's presently claimed invention.

Applicant's claimed invention is directed to improved systems and methods for seamlessly delivering multimedia content including WEB content such as WEB pages. More specifically, Applicant's claimed invention is directed to a system which receives multimedia information including a data stream comprising WEB content with interactive three-dimensional objects representing program schedule information and commands to navigate and view program information as well as control various television functions. Moreover, Applicants have specified that the database, which is remote to the user, receives programming information from a variety of sources and is continuously scanned in order to identify the most current data for the data stream.

Applicants note that the prior art cited by the Examiner, Broadwin et al. (U.S. Patent No. 5,929,850) is directed to on-demand display of still images related to video content in a

manner similar to web-like navigation. Broadwin et al. merely discloses that AVI signals including audio/visual content as well as interactive applications associated with the audio/visual content is provided. See Column 6, lines 18-23. Additionally, still images related to video content are provided on a still image channel. See Column 6, lines 23-26. When a user selects a selection option, originally written in HTML, the system retrieves the corresponding still image by capturing the image from the still image broadcast channel stream, stores the image and displays the same. See generally, Column 10; see also column 2, lines 60-66.

In contrast, the present invention repetitively scans and broadcasts actual WEB content such as three-dimensional objects representing program schedule information with links to other WEB content and/or commands to control television functions such as changing channel. This is patentably distinct from Broadwin, which merely discloses selection of an image for display without allowing any TV control function. Moreover, Broadwin et al. simply discloses a stream that comprises of especially designed interactive screens with links to still images presented on a still image channel. However, the present invention utilizes a data stream which seamlessly integrates and preferably utilizes the WEB content within the program schedule guide. Finally, Broadwin et al. does not teach or suggest that selections within the program guide may be three-dimensional.

Applicants respectfully submit that the prior art references of record, either alone or in combination, fail to teach or suggest Applicants' presently claimed invention. Significantly, none of the references teach or suggest advantageously repetitively scanning a remote

database and broadcasting a continuously updated data stream including WEB content with links to view other WEB content or commands to control television functions.

Eyer et al., U.S. Patent No. 5,982, 455, discloses a system for receiving a multimedia stream with program information in HTML format with tags that link to other information or control television functions. See generally Col. 4. It further provides displaying the stream and executing television functions in response to user selections. See generally, Col. 5. However, Eyer et al. does not teach or suggest continually replenishing the memory with updated program schedule information. In the present invention, the receiver receives a multimedia data stream that is repetitively scanned and broadcast. Moreover, Eyer et al. also does not teach or suggest that the program information may be three-dimensional information. This precludes users from viewing incorrect programming information when an actual broadcast program is changed.

However, the Examiner asserts that these deficiencies in Broadwin et al. and Eyer et al. may be overcome by using Williams, U.S. Patent No. 4,868,866. Williams discloses a financial data transmission system which receives data from various securities exchanges. See Col. 2, lines 42-44. As the system is updated, periodic summaries, recaps, of the recently received data are broadcast to ensure accuracy of information at a subscriber's location. See Col. 2, lines 48-52. Particular data messages which must be received by all subscribers are distributed by controlled transmissions and repeated a predetermined number of times sufficient to ensure high reliability of reception. Col. 2, lines 54-57. Nonetheless, Williams neither teach nor suggests transmitting a data stream including WEB content with three-

dimensional program schedule information and commands to navigate and view program information as well as control various television functions. Consequently, there is simply no teaching or suggestion, when the references are considered alone or in combination, regarding Applicants' claimed multimedia broadcast delivery system and method which repetitively replenishes program schedule information.

Moreover, Applicants note that combining references in order to defeat patentability has not been allowed by the Federal Courts unless evidence of a teaching or suggestion of such a combination is present. The U.S. Court of Appeals for the Federal Circuit held in *Dembiczak* that "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability." *In re Dembiczak*, 50 USPQ2d, 1614, 1617 (1999). In this case, there is no suggestion or motivation for the combination of the cited references.

The Examiner has further stated that independent claims 16 and 25 are obvious under 35 U.S.C. § 103 over Harper et al. (U.S. Patent No. 5,585,858) in view of Coleman et al. (U.S. Patent No. 5,844,620). Harper et al. is directed to systems and methods for delivery of interactive content which contains markers on the broadcast program which trigger macros to alter program content by invoking or displaying personalized content embedded in unused lines of video. See generally, columns 2-3. However, Harper et al. does not teach repetitively scanning and broadcasting WEB content to a receiver which results in regularly updated program information. Furthermore, Harper et al. merely discloses that additional

personalized video or audio content can be presented to a user and does not teach or suggest that commands in WEB content may be used to control television functions.

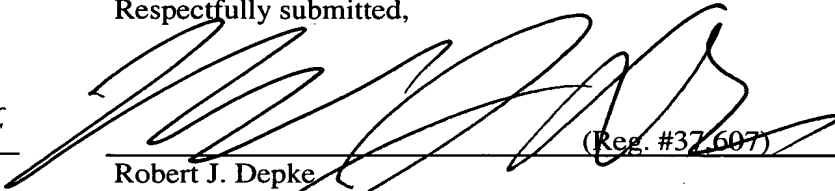
The Examiner asserts that the deficiencies in Harper et al. are remedied in its combination with Coleman et al., U.S. Patent No. 5,844,620. Coleman et al. teaches that database information comprising programming information such as time slots, titles, etc. is transmitted. Col. 4, lines 24-48. It specifies that the different categories of data are carried in different packet streams. See column 4, lines 24-48. More specifically, database information is transmitted in a stream which is stored in memory whereas information comprising future data is transmitted in an on-demand stream which is acquired after user selection to view future information. See column 4, lines 49-64. Coleman et al. does not teach or suggest that programming information includes WEB content comprising commands to control television functions such as changing channels is repetitively broadcast to the receiver and continually updated for the viewer. Moreover, Harper et al. and Coleman et al., either alone or in combination, do not teach or suggest that the programming information may be three-dimensional information.

Consequently, Applicants respectfully request that the rejections be withdrawn. Applicants respectfully submit that all claims now stand in condition for allowance.

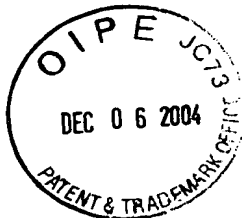
Appl. No. 09/718,595  
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Reply to Office Action of September 3, 2004

Respectfully submitted,

Date: 12/3/04

  
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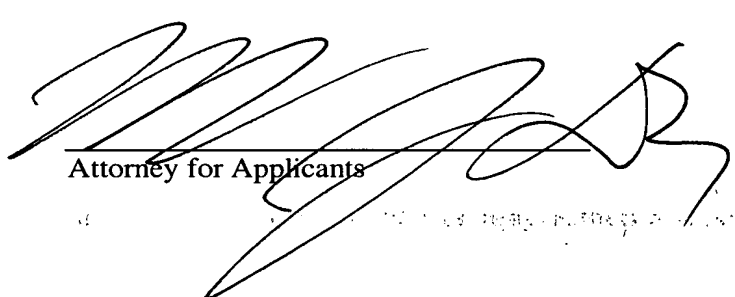


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